

## JUVENILE PROBATION VIOLATIONS

**AUTHORITY:** Sections 625-628, 653, 777, and 778 Welfare and Institutions Code

**RESCINDS:** Procedure Manual Item 2-6-101, dated 06/02/14

**FORMS:**

Application for Petition/Intake and Transmittal Sheet	(F057-4024AF)
Probable Cause Declaration	(F057-4206AF)
Probation Violation Incident Report	(F057-5084AF)
Terms and Conditions of Probation	(F057-5030)
Copy of Court Order	(F182-416)
Ward Card	(ICMS Generated)

**PURPOSE:** To outline how to process juvenile probation violations committed by wards of the Court.

### I. GENERAL INFORMATION

Integration of Continuum of Interventions and automation of the Probation Violation (PV) System has impacted Electronic Contact Reporting (ECR) entries. The first step in preparing a PV occurs during ECR entries. Access to the user manual can be accomplished by clicking the support center help menu in ICMS

### II. PROCEDURE

#### A. Probation Violation/Violation of Court Order Only

When a probation violation has occurred, the DPO will be responsible for procedures outlined below.

##### 1. Allegations

###### a. Custody Cases

- (1) Complete the top half of an Application for Petition/Intake and Transmittal Form.
- (2) The bottom section of the Application for Petition/Intake and Transmittal Sheet is completed by Custody Intake.
- (3) Complete a Probable Cause Declaration Form.
- (4) Complete a Probation Violation Incident Report.
- (5) Complete a Probation Violation Notice

###### b. Non-Custody Cases

- (1) Fill out Application for Petition/Intake and Transmittal Form.

- (2) Complete a Probation Violation Incident Report.
- (3) Complete a Probation Violation Notice

## 2. Probation Violation Incident Report

Complete the Probation Violation Incident Report to document and clearly address the violational behavior.

### Circumstances of the Offense

Information regarding the circumstances of the probation violation may be obtained from an arresting officer's report, ECR notes, school progress reports, written results of drug testing, and verbal or written parent statements.

Witness Statement: List the names, title, addresses and phone number of any witness who can testify to the allegations and the nature of their testimony, as applicable.

The Circumstances of the Offense may include, but are not limited to:

- a. The date the minor was declared a 602 WIC ward or 725/654 WIC non-ward.
- b. The court and county of jurisdiction.
- c. The sustained petition and offense (i.e. petition 001 for violation of Section 10851 CVC, Vehicle Theft, Felony).
- d. The specific orders of the Court (i.e. school, search and seizure, counseling, testing).
- e. Any pending court dates.
- f. Date of and the DPO who completed the indoctrination and any additional parties present (Parent, Attorney).
- g. Summarize the details of the alleged offense or circumstances, which compelled the filing of the petition.
- h. Include pertinent dates, times, locations.
- i. Roles of the participants should be included, but not to the extent in detail given in police reports, unless to reflect special aggravating criminal factors.
- j. List the date, event, how and where the probationer was apprehended (i.e., result of new law violation, office appointment, court booking)

### Collateral Information (When Needed)

Include pending offenses not covered in the police report and not part of the Prior Record section, but which have been discovered during the course of the investigation.

### Victim's Statement (When Needed)

- a. This section shall include a statement from the victim regarding the offense, impact on the victim, restitution desired (actual or estimated) and a suggested disposition, if given. Any violence that occurred should be noted.
- b. Permission must be obtained from the parents/guardians before speaking with any victim under the age of 18.
- c. The Victim Section must not contain any detail regarding names, addresses, phone numbers or any information that would place the victim in jeopardy or retaliation.

If the information is needed, a separate sheet will be marked as CONFIDENTIAL WITNESS and addressed specifically to the court for review and determination of dissemination.

### Progress on Probation

- a. The Probation Violation reports should include a statement regarding the minor's progress on probation, as it relates to the home environment, school performance, academics, employment, restitution, substance use, psychological concerns, peer influence, gang activities, criminal behavior and compliance with specific court orders.
- b. The Progress on Probation may include, but is not limited to:

- 1) Home

Submit an objective statement reflecting the parents' comments concerning the pending allegation(s). The ability and willingness of the parents/guardian to provide a safe and supervised environment for the probationer to be successful in maintaining acceptable behavior. This section may be used to provide the parents' evaluation of minor's response to parental authority and any parental plans for preventing difficulty in the future, but is not limited to:

- a) Written or verbal statement from parents on any needs to resolve behavior problems or family issues through professional counseling, psychiatric hospitalization, out-of-home placement, etc.
- b) Note what degree of cooperation may be expected from the parents in the future.

- c) Provide parents' version of how the problems developed, and what they have done to remedy those problems.
- d) Report interrelationships within the family (cohesive, distant, conflict, positive and negative parental involvement, stability, etc.).
- e) Include any problematic behavior with parents or siblings; include wardship, parole and dependency issues.

2) School

A good source of information is a recent report card, which provides grades, citizenship, work habits and often has teacher comments. This School section should include, but is not limited to:

- a) Grade, name of school and hours of attendance.
- b) Academic achievement and course grades.
- c) Classification of intelligence (above average, average, below average, etc.). Do not quote numerical I.Q.
- d) Citizenship, behavior, attendance, and school's attempts to remedy any issues.
- e) Relationship with teachers or students.
- f) Comment if minor will not be readmitted to school.

Evaluation

The evaluation should summarize the case facts and through a logical, etiological and social-behavioral approach, provide an in-depth understanding of the case dynamics, which should lead to a relevant dispositional recommendation.

- a. Summarize the essential "high points" of the case. However, a mere "rehash" of information should be avoided.
- b. **Avoid "canned" or "rubber stamp" language such as : "the minor shows blatant disregard," "the minor lacks respect for the authority of the court," "the minor refuses to comply," "the minor's progress on probation thus far as evidenced by the violations before the court is poor," etc.**

- c. Analyze causal factors in terms of the information presented in the report. Incidents handled informally, including grants of informal probation.
- d. Summarize the probation officer's interventions and problem-solving attempts.
- e. Factors in mitigation and aggravation should be discussed, although they need not be labeled as such.
- f. The differential treatment plan, which appears indicated in terms of solutions to the problems. If incarceration is involved, reflect why custody time would be therapeutic or necessary for community protection. Justify your recommendation.

#### Recommendation

The recommendation should follow from the evaluation and delineate the suggested differential treatment plan. Three significant factors should always be kept in mind:

- a. The promotion of the minor's welfare and the safety and protection of the public.
- b. The rehabilitation potential of the minor.
- c. Whether the minor remaining in his home setting endangers the welfare and safety of the minor.

Follow the order of the word processing printout on Juvenile Court Report Recommendations (PMI 2-5-003).

#### 3. Supporting Documents

Attach, in triplicate, any appropriate documentation supporting the violation. Examples:

- a. Copy of appropriate Minute Order(s).
- b. Copy of the signed terms and conditions of probation.
- c. Police report if new violation.
- d. Police field contact documentation.
- e. School records
- f. Juvenile Court Work Program suspension packet, as applicable.

#### 4. Routing

- a. Non-Custody Cases

- (1) Forward the Defense and District Attorney packets to Contested Cases, fifth floor, Lamoreaux Juvenile Justice Center. Submitting an out-of-custody PV in ICMS is automatically available to the Contested Court Clerks.
- (2) The assigned DPO will retain the Probation Department packet along with the white copy of the Intake and Transmittal Sheet in the file. It must contain all of the original PV/VCO documents.
- (3) The pretrial date will be recorded on the Notice of Hearing.
- (4) In the absence of that Notice, the pretrial date will be handwritten on the petition.

b. Custody Cases

- (1) Custody Intake will review the Application for Petition/Intake and Transmittal Sheet.
- (2) The assigned deputy retains the original PV/VCO documents in the file.

B. New Law Violation and Probation Violation and/or VCO

When a minor is arrested by another agency for a new law violation, the assigned DPO may request via a separate Application for Petition/Intake and Transmittal Sheet that the District Attorney file a supplemental petition alleging probation violations and/or violations of court orders. These can be related to the new offense; e.g., associates, curfew, law violation, driving restriction, alcohol, etc. or included with other PVs.

1. In custody and non-custody cases, the field DPO will prepare the violation packets following the above procedure.
2. In custody cases, the assigned DPO must provide the custody intake DPO with allegation information for the Application for Petition/Intake and Transmittal Sheet and with documentation to accompany the packet to the District Attorney within the prescribed timelines.
3. PV/VCO matters that are not specifically related to the new law violation are processed in accordance with Section A above.
4. Every effort should be made to file all violations at the same time; however, PV/VCOs may also be submitted as write-in petitions prior to disposition.

**REFERENCES:**

Procedures: 2-1-202 Continuum of Interventions for Probation Violations- Juvenile  
2-1-205 Warrants of Arrest for Juveniles

2-4-001 Non-Custody Intake  
2-4-101 Custody Intake Referrals  
2-5-003 Juvenile Court Report Recommendations

Policies: A-1 Policy, Procedure and the Law  
A-2 Upholding Departmental Philosophy and Principles  
A-5 Communications within the Probation Department  
E-3 Disclosure of Court Recommendations  
E-5 Advisement of Rights  
E-7 Restitution  
F-2 Recommendations to the Court for Dispositions/Sentencing  
and Commitments for Minors

I. Rodriguez

**APPROVED BY:**